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1 A bill to be entitled
 2 An act relating to the Department of Transportation;
 3 amending s. 11.45, F.S.; removing a provision for
 4 audits of certain transportation corporations by the
 5 Auditor General; amending s. 20.23, F.S.; revising
 6 provisions relating to functions of the Florida
 7 Transportation Commission to add certain monitoring of
 8 the Mid-Bay Bridge Authority; removing Secretary of
 9 Transportation review of the expenses of the Florida
 10 Statewide Passenger Rail Commission; revising the
 11 administrative support requirement for the Florida
 12 Statewide Passenger Rail Commission; designating an
 13 executive director and assistant executive director of
 14 the statewide passenger rail commission; amending s.
 15 110.205, F.S., relating to career service exempt
 16 positions; revising the title of an existing
 17 department position; creating s. 163.3176, F.S.;
 18 providing legislative findings; requiring each local
 19 governmental entity to ensure that noise compatible
 20 land-use planning is employed within its jurisdiction
 21 for development of land for residential use adjacent
 22 to rights-of-way acquired for a limited access
 23 facility; requiring incorporation of federal and state
 24 noise mitigation standards and guidelines in local
 25 government land development regulations; requiring
 26 such standards and guidelines to be reflected in and
 27 carried out in specified plans, amendments, approvals,
 28 and permits; requiring local governments to share

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29 | equally with the department all costs associated with
 30 | noise mitigation under certain circumstances;
 31 | requiring local governments to consult with the
 32 | Department of Economic Opportunity and the department
 33 | concerning noise mitigation requirements; requiring
 34 | local governments to adopt land development
 35 | regulations; amending s. 316.530, F.S., relating to
 36 | towing requirements; removing a provision that
 37 | prohibits assessment of a penalty for the combined
 38 | weights of a disabled vehicle and a wrecker or tow
 39 | truck; amending s. 316.545, F.S.; revising the maximum
 40 | amount the gross vehicle weight may be reduced for
 41 | calculation of a penalty for excess weight when an
 42 | auxiliary power units is installed on a commercial
 43 | motor vehicle; amending s. 331.360, F.S., relating to
 44 | aerospace facilities; removing provisions for a
 45 | spaceport master plan; directing Space Florida to
 46 | develop a spaceport system plan for certain purposes;
 47 | providing for content of the plan; directing Space
 48 | Florida to submit the plan to metropolitan planning
 49 | organizations for review of intermodal impact and to
 50 | the department; authorizing the department to include
 51 | relevant portions in the 5-year work program; revising
 52 | responsibilities of the department relating to
 53 | aerospace facilities; authorizing the department to
 54 | administratively house its space transportation
 55 | responsibilities within an existing division or
 56 | office; authorizing the department to enter into an

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57 | agreement with Space Florida for specified purposes;
 58 | authorizing the department to allocate certain funds
 59 | under specified conditions; requiring Space Florida to
 60 | provide certain information to the department before
 61 | an agreement is executed; amending s. 332.007, F.S.;
 62 | authorizing the department to fund strategic airport
 63 | investment projects that meet specified criteria;
 64 | amending s. 334.044, F.S.; prohibiting the department
 65 | from entering into any lease-purchase agreement with
 66 | any expressway authority, regional transportation
 67 | authority, or other entity; providing the prohibition
 68 | does not invalidate existing specified lease-purchase
 69 | agreements or limit the department's authority
 70 | relating to certain public-private transportation
 71 | facilities; amending s. 335.055, F.S.; authorizing the
 72 | department to enter into contracts with community
 73 | development districts to perform routine maintenance
 74 | work on the State Highway System; limiting liability;
 75 | amending s. 335.06, F.S.; authorizing the department
 76 | to improve and maintain any road that is part of a
 77 | county road system or city street system that provides
 78 | access to property within the state park system;
 79 | requiring the county or city to maintain such road if
 80 | the department does not; amending s. 337.14, F.S.;
 81 | revising requirements for a person desiring to bid for
 82 | the performance of certain department construction
 83 | contracts to be prequalified; amending s. 337.25,
 84 | F.S.; revising provisions for disposition of property

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85 | by the department; authorizing the department to
 86 | contract for auction services for conveyance of
 87 | property; revising requirements for an inventory of
 88 | property; amending s. 337.251, F.S.; revising
 89 | provisions for lease of property; requiring the
 90 | department to publish a notice of receipt of a
 91 | proposal for lease of particular department property
 92 | and accept other proposals; revising notice
 93 | procedures; requiring the department to establish by
 94 | rule an application fee for lease proposals;
 95 | authorizing the department to engage the services of
 96 | private consultants to assist in evaluating proposals;
 97 | requiring the department to make specified
 98 | determinations before approving a proposed lease;
 99 | amending s. 337.408, F.S.; authorizing the
 100 | installation of parking meters or other parking time
 101 | limit devices within the right-of-way limits of a
 102 | state road when permitted by the department; requiring
 103 | counties and municipalities to remit a portion of the
 104 | proceeds from new or existing devices to the
 105 | department; providing for use of such funds received;
 106 | amending s. 338.161, F.S.; revising provisions for the
 107 | department to enter into agreements for certain
 108 | purposes with public or private transportation
 109 | facility owners whose systems become interoperable
 110 | with the department's systems; amending s. 338.165,
 111 | F.S.; removing references to certain facilities from
 112 | the list of facilities the department is authorized to

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113 request bond issuance secured by facility revenues;
 114 amending s. 338.26, F.S.; revising the uses of fees
 115 that are generated from tolls to include the design
 116 and construction of a fire station that may be used by
 117 certain local governments in accordance with a
 118 specified memorandum; removing authority of a district
 119 to issue bonds or notes; amending s. 339.175, F.S.;
 120 revising provisions for designation of metropolitan
 121 planning organizations and provisions for voting
 122 membership; repealing ss. 339.401-339.421, F.S.,
 123 relating to the Florida Transportation Corporation
 124 Act, definitions, legislative findings and purpose,
 125 authorization of corporations, type and structure and
 126 income of corporation, contract between the department
 127 and the corporation, articles of incorporation, boards
 128 of directors and advisory directors, bylaws, meetings
 129 and records, amendment of articles of incorporation,
 130 powers of corporations, use of state property,
 131 exemption from taxation, authority to alter or
 132 dissolve corporation, dissolution upon completion of
 133 purposes, transfer of funds and property upon
 134 dissolution, department rules, construction of
 135 provisions, and issuance of debt; amending s. 339.55,
 136 F.S.; providing for the state-funded infrastructure
 137 bank to lend capital costs or provide credit
 138 enhancements for projects that provide intermodal
 139 connectivity with spaceports and to make emergency
 140 loans for damages to public-use spaceports; revising

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141 criteria the department may consider for evaluation of
 142 projects for assistance from the bank; amending s.
 143 341.031, F.S.; revising the definition of the term
 144 "intercity bus service," as used in the Florida Public
 145 Transit Act; amending s. 341.053, F.S.; revising
 146 provisions for use of Intermodal Development Program
 147 funds; amending s. 341.302, F.S.; revising the
 148 department's authority with respect to rail corridors;
 149 authorizing the department to undertake ancillary
 150 development as a source of revenue for the
 151 establishment, construction, operation, or maintenance
 152 of any rail corridor owned by the state; providing
 153 requirements for such developments; amending s.
 154 373.4137, F.S.; revising provisions relating to
 155 mitigation requirements for certain transportation
 156 projects; revising Legislative intent; revising
 157 provisions for an environmental impact inventory;
 158 authorizing certain options for the Department of
 159 Transportation to mitigate projected impacts; revising
 160 requirements and procedures for determination and
 161 payment of mitigation costs; authorizing the water
 162 management district to deviate from the approved
 163 mitigation plan in order to comply with federal
 164 permitting requirements upon notice and coordination
 165 with the Department of Transportation or participating
 166 transportation authority; requiring water management
 167 district plans to be updated annually as specified;
 168 requiring consideration be given to mitigation banks

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169 and other available mitigation options before amending
 170 the mitigation plan to include new projects; providing
 171 an effective date.

172

173 Be It Enacted by the Legislature of the State of Florida:

174

175 Section 1. Paragraph (m) of subsection (3) of section
 176 11.45, Florida Statutes, is amended, and present paragraphs (n)
 177 through (x) are redesignated as paragraphs (m) through (w),
 178 respectively, to read:

179 11.45 Definitions; duties; authorities; reports; rules.—

180 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The
 181 Auditor General may, pursuant to his or her own authority, or at
 182 the direction of the Legislative Auditing Committee, conduct
 183 audits or other engagements as determined appropriate by the
 184 Auditor General of:

185 ~~(m) The transportation corporations under contract with~~
 186 ~~the Department of Transportation that are acting on behalf of~~
 187 ~~the state to secure and obtain rights-of-way for urgently needed~~
 188 ~~transportation systems and to assist in the planning and design~~
 189 ~~of such systems pursuant to ss. 339.401-339.421.~~

190 Section 2. Paragraph (b) of subsection (2) and paragraph
 191 (d) of subsection (3) of section 20.23, Florida Statutes, are
 192 amended to read:

193 20.23 Department of Transportation.—There is created a
 194 Department of Transportation which shall be a decentralized
 195 agency.

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197 (b) The commission shall have the primary functions to:
 198 1. Recommend major transportation policies for the
 199 Governor's approval, and assure that approved policies and any
 200 revisions thereto are properly executed.
 201 2. Periodically review the status of the state
 202 transportation system including highway, transit, rail, seaport,
 203 intermodal development, and aviation components of the system
 204 and recommend improvements therein to the Governor and the
 205 Legislature.
 206 3. Perform an in-depth evaluation of the annual department
 207 budget request, the Florida Transportation Plan, and the
 208 tentative work program for compliance with all applicable laws
 209 and established departmental policies. Except as specifically
 210 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
 211 not consider individual construction projects, but shall
 212 consider methods of accomplishing the goals of the department in
 213 the most effective, efficient, and businesslike manner.
 214 4. Monitor the financial status of the department on a
 215 regular basis to assure that the department is managing revenue
 216 and bond proceeds responsibly and in accordance with law and
 217 established policy.
 218 5. Monitor on at least a quarterly basis, the efficiency,
 219 productivity, and management of the department, using
 220 performance and production standards developed by the commission
 221 pursuant to s. 334.045.
 222 6. Perform an in-depth evaluation of the factors causing
 223 disruption of project schedules in the adopted work program and

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224 recommend to the Legislature and the Governor methods to
 225 eliminate or reduce the disruptive effects of these factors.

226 7. Recommend to the Governor and the Legislature
 227 improvements to the department's organization in order to
 228 streamline and optimize the efficiency of the department. In
 229 reviewing the department's organization, the commission shall
 230 determine if the current district organizational structure is
 231 responsive to Florida's changing economic and demographic
 232 development patterns. The initial report by the commission must
 233 be delivered to the Governor and Legislature by December 15,
 234 2000, and each year thereafter, as appropriate. The commission
 235 may retain such experts as are reasonably necessary to
 236 effectuate this subparagraph, and the department shall pay the
 237 expenses of such experts.

238 8. Monitor the efficiency, productivity, and management of
 239 the authorities created under chapters 348 and 349, including
 240 any authority formed using the provisions of part I of chapter
 241 348; the Mid-Bay Bridge Authority created pursuant to chapter
 242 2000-411, Laws of Florida; and any authority formed under
 243 chapter 343 which is not monitored under subsection (3). The
 244 commission shall also conduct periodic reviews of each
 245 authority's operations and budget, acquisition of property,
 246 management of revenue and bond proceeds, and compliance with
 247 applicable laws and generally accepted accounting principles.

248 (3) There is created the Florida Statewide Passenger Rail
 249 Commission.

250 (d) The commission is assigned to the Office of the
 251 Secretary of the Department of Transportation for administrative

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252 and fiscal accountability purposes, but it shall otherwise
 253 function independently of the control and direction of the
 254 department ~~except that reasonable expenses of the commission~~
 255 ~~shall be subject to approval by the Secretary of Transportation.~~
 256 ~~The department shall provide administrative support and service~~
 257 ~~to the commission.~~ The executive director and assistant
 258 executive director of the Florida Transportation Commission
 259 shall serve as the executive director and assistant executive
 260 director of the Florida Statewide Passenger Rail Commission. The
 261 staff of the Florida Transportation Commission shall provide
 262 administrative support and service to the Florida Statewide
 263 Passenger Rail Commission.

264 Section 3. Paragraph (j) of subsection (2) of section
 265 110.205, Florida Statutes, is amended to read:

266 110.205 Career service; exemptions.—

267 (2) EXEMPT POSITIONS.—The exempt positions that are not
 268 covered by this part include the following:

269 (j) The appointed secretaries and the State Surgeon
 270 General, assistant secretaries, deputy secretaries, and deputy
 271 assistant secretaries of all departments; the executive
 272 directors, assistant executive directors, deputy executive
 273 directors, and deputy assistant executive directors of all
 274 departments; the directors of all divisions and those positions
 275 determined by the department to have managerial responsibilities
 276 comparable to such positions, which positions include, but are
 277 not limited to, program directors, assistant program directors,
 278 district administrators, deputy district administrators, the
 279 Director of Central Operations Services of the Department of

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280 Children and Family Services, the State Transportation
 281 Development Administrator, State Freight and Logistics Public
 282 ~~Transportation and Modal~~ Administrator, district secretaries,
 283 district directors of transportation development, transportation
 284 operations, transportation support, and the managers of the
 285 offices specified in s. 20.23(4)(b), of the Department of
 286 Transportation. Unless otherwise fixed by law, the department
 287 shall set the salary and benefits of these positions in
 288 accordance with the rules of the Senior Management Service; and
 289 the county health department directors and county health
 290 department administrators of the Department of Health.

291 Section 4. Section 163.3176, Florida Statutes, is created
 292 to read:

293 163.3176 Residential development along limited access
 294 highway facilities; noise mitigation requirements; compliance.-

295 (1) The Legislature finds that incompatible residential
 296 development of land adjacent to the rights-of-way of limited-
 297 access facilities and the failure to provide protection related
 298 to noise abatement are not in the best interest of the welfare
 299 of the public or the economic health of the state, and are
 300 significantly increasing the costs of transportation projects by
 301 the added expense of required noise abatement and delaying other
 302 potential and needed transportation projects. Limited access
 303 facilities generate traffic noise due to the high speed and the
 304 high volumes of vehicular traffic using these important
 305 highways. The Legislature finds that important state interests
 306 will be served, including, but not limited to, the protection of
 307 future residential property owners by ensuring that local

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308 governments have land development regulations that promote noise
 309 compatible residential land-use planning and development
 310 adjacent to limited access facilities, and avoiding future noise
 311 abatement problems and the related state expense to provide
 312 noise mitigation for residential dwellings constructed after
 313 public notice of a planned limited access facility.
 314 Additionally, with future potential population growth and the
 315 resulting need for future capacity improvements to limited
 316 access facilities, noise compatible residential land-use
 317 planning must take into consideration an evaluation of future
 318 impacts of traffic noise on proposed residential developments
 319 adjacent to limited access facilities.

320 (2) Each local governmental entity shall ensure that noise
 321 compatible land-use planning is employed within its jurisdiction
 322 for the development of land for residential use adjacent to
 323 right-of-way acquired for a limited access facility. Such
 324 measures shall include the incorporation of federal and state
 325 noise mitigation standards and guidelines in all local
 326 government land development regulations and be reflected in and
 327 carried out in all local government comprehensive plans,
 328 amendments of adopted comprehensive plans, zoning plans,
 329 subdivision plat approvals, development permits, and building
 330 permits. Local governments shall ensure that residential
 331 development proposed adjacent to a limited access facility shall
 332 be planned and constructed in conformance with all such noise
 333 mitigation standards, guidelines, and regulations. If a local
 334 government fails to comply with this section and, as a result of
 335 such failure, the Department of Transportation is required to

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336 construct a noise wall or other noise mitigation in connection
 337 with a road improvement project, the local government shall
 338 share equally with the Department of Transportation in all costs
 339 of such noise mitigation.

340 (3) Local governments shall consult with the Department of
 341 Economic Opportunity and the Department of Transportation, as
 342 needed, in the formulation and establishment of adequate noise
 343 mitigation requirements in their respective land development
 344 regulations as mandated herein. Local governments shall adopt
 345 land development regulations consistent with this section as
 346 soon as practicable, but not later than July 1, 2014.

347 Section 5. Subsections (3) and (4) of section 316.530,
 348 Florida Statutes, are amended to read:

349 316.530 Towing requirements.—

350 ~~(3) Whenever a motor vehicle becomes disabled upon the~~
 351 ~~highways of this state and a wrecker or tow truck is required to~~
 352 ~~remove it to a repair shop or other appropriate location, if the~~
 353 ~~combined weights of those two vehicles and the loads thereon~~
 354 ~~exceed the maximum allowable weights as established by s.~~
 355 ~~316.535, no penalty shall be assessed either vehicle or driver.~~
 356 ~~However, this exception shall not apply to the load limits for~~
 357 ~~bridges and culverts established by the department as provided~~
 358 ~~in s. 316.555.~~

359 (3)(4) A violation of this section is a noncriminal
 360 traffic infraction, punishable as a moving violation as provided
 361 in chapter 318.

362 Section 6. Paragraph (c) of subsection (3) of section
 363 316.545, Florida Statutes, is amended to read:

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364 316.545 Weight and load unlawful; special fuel and motor
 365 fuel tax enforcement; inspection; penalty; review.—

366 (3) Any person who violates the overloading provisions of
 367 this chapter shall be conclusively presumed to have damaged the
 368 highways of this state by reason of such overloading, which
 369 damage is ~~hereby~~ fixed as follows:

370 (c) For a vehicle equipped with fully functional idle-
 371 reduction technology, any penalty shall be calculated by
 372 reducing the actual gross vehicle weight or the internal bridge
 373 weight by the certified weight of the idle-reduction technology
 374 or by 550 ~~400~~ pounds, whichever is less. The vehicle operator
 375 must present written certification of the weight of the idle-
 376 reduction technology and must demonstrate or certify that the
 377 idle-reduction technology is fully functional at all times. This
 378 calculation is not allowed for vehicles described in s.

379 316.535(6);

380 Section 7. Section 331.360, Florida Statutes, is amended to
 381 read:

382 331.360 Spaceport system ~~Joint participation agreement or~~
 383 ~~assistance; spaceport master plan.—~~

384 ~~(1) It shall be the duty, function, and responsibility of~~
 385 ~~the Department of Transportation to promote the further~~
 386 ~~development and improvement of aerospace transportation~~
 387 ~~facilities; to address intermodal requirements and impacts of~~
 388 ~~the launch ranges, spaceports, and other space transportation~~
 389 ~~facilities; to assist in the development of joint-use facilities~~
 390 ~~and technology that support aviation and aerospace operations;~~
 391 ~~to coordinate and cooperate in the development of spaceport~~

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392 ~~infrastructure and related transportation facilities contained~~
 393 ~~in the Strategic Intermodal System Plan; to encourage, where~~
 394 ~~appropriate, the cooperation and integration of airports and~~
 395 ~~spaceports in order to meet transportation-related needs; and to~~
 396 ~~facilitate and promote cooperative efforts between federal and~~
 397 ~~state government entities to improve space transportation~~
 398 ~~capacity and efficiency. In carrying out this duty and~~
 399 ~~responsibility, the department may assist and advise, cooperate~~
 400 ~~with, and coordinate with federal, state, local, or private~~
 401 ~~organizations and individuals. The department may~~
 402 ~~administratively house its space transportation responsibilities~~
 403 ~~within an existing division or office.~~

404 ~~(2) Notwithstanding any other provision of law, the~~
 405 ~~Department of Transportation may enter into a joint~~
 406 ~~participation agreement with, or otherwise assist, Space Florida~~
 407 ~~as necessary to effectuate the provisions of this chapter and~~
 408 ~~may allocate funds for such purposes in its 5-year work program.~~
 409 ~~However, the department may not fund the administrative or~~
 410 ~~operational costs of Space Florida.~~

411 ~~(1)(3)~~ Space Florida shall develop a spaceport system
 412 ~~master~~ plan that addresses statewide spaceport goals and the
 413 need for expansion and modernization of space transportation
 414 facilities within spaceport territories as defined in s.
 415 331.303. The plan shall contain recommended projects to meet
 416 current and future commercial, national, and state space
 417 transportation requirements. Space Florida shall submit the plan
 418 to all any appropriate metropolitan planning organizations
 419 ~~organization~~ for review of intermodal impacts. Space Florida

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420 shall submit the spaceport system ~~master~~ plan to the Department
 421 of Transportation, which may include those portions of the
 422 system plan relevant to the department's mission and such plan
 423 ~~may be included~~ within the department's 5-year work program of
 424 qualifying projects ~~aerospace discretionary capacity improvement~~
 425 ~~under subsection (4)~~. The plan shall identify appropriate
 426 funding levels for each project ~~and include recommendations on~~
 427 ~~appropriate sources of revenue that may be developed to~~
 428 ~~contribute to the State Transportation Trust Fund.~~

429 (2) The Department of Transportation shall promote the
 430 further development and improvement of aerospace transportation
 431 facilities; address intermodal requirements and impacts of the
 432 launch ranges, spaceports, and other space transportation
 433 facilities; assist in the development of joint-use facilities
 434 and technology that support aviation and aerospace operations;
 435 coordinate and cooperate in the development of spaceport
 436 infrastructure and related transportation facilities contained
 437 in the Strategic Intermodal System Plan; encourage, where
 438 appropriate, the cooperation and integration of airports and
 439 spaceports in order to meet transportation-related needs; and
 440 facilitate and promote cooperative efforts between federal and
 441 state government entities to improve space transportation
 442 capacity and efficiency. In carrying out such duties and
 443 responsibilities, the department may assist and advise,
 444 cooperate with, and coordinate with federal, state, local, or
 445 private entities and individuals. The department may
 446 administratively house its space transportation responsibilities
 447 within an existing division or office.

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448 (3) Notwithstanding any other provision of law, the
 449 Department of Transportation may enter into an agreement with,
 450 or otherwise assist, Space Florida as necessary to effectuate
 451 the provisions of this chapter and may allocate funds for such
 452 purposes in its 5-year work program. However, the department may
 453 not fund the administrative or operational costs of Space
 454 Florida.

455 (4) (a) Beginning in fiscal year 2013-2014, a minimum of
 456 \$15 million annually is authorized to be made available from the
 457 State Transportation Trust Fund to fund space transportation
 458 projects ~~Subject to the availability of appropriated funds, the~~
 459 ~~department may participate in the capital cost of eligible~~
 460 ~~spaceport discretionary capacity improvement projects. The~~
 461 ~~annual legislative budget request shall be based on the proposed~~
 462 ~~funding requested for approved spaceport discretionary capacity~~
 463 ~~improvement projects.~~

464 (b) Before executing an agreement, Space Florida must
 465 provide project-specific information to the Department of
 466 Transportation in order to demonstrate that the project includes
 467 transportation and aerospace benefits. Project information to be
 468 provided includes, but is not limited to:

- 469 1. Project description, characteristics, and scope.
- 470 2. Project funding sources and costs.
- 471 3. Project financing considerations with emphasis on
 472 federal, local, and private participation.
- 473 4. Financial feasibility and risk analysis, including
 474 efforts to protect the state's investment and ensure project
 475 goals are realized.

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476 5. Demonstration that the project will encourage, enhance,
 477 or create economic benefits.

478 (c) The Department of Transportation is authorized to fund
 479 up to 50 percent of eligible project costs. The department may
 480 fund up to 100 percent of eligible project costs if the project:

481 1. Provides important access and on-spaceport capacity
 482 improvements;

483 2. Provides capital improvements to strategically position
 484 the state to maximize opportunities in the aerospace industry or
 485 foster growth and development of a sustainable and world-leading
 486 aerospace industry in the state;

487 3. Meets state goals of an integrated intermodal
 488 transportation system; and

489 4. Demonstrates the feasibility and availability of
 490 matching funds through federal, local, or private partners.

491 Section 8. Subsection (11) is added to section 332.007,
 492 Florida Statutes, to read:

493 332.007 Administration and financing of aviation and
 494 airport programs and projects; state plan.—

495 (11)(a) The department is authorized to fund strategic
 496 airport investment projects that:

497 1. Provide important access and on-airport capacity
 498 improvements;

499 2. Provide capital improvements to strategically position
 500 the state to maximize opportunities in international trade,
 501 logistics, and the aviation industry;

502 3. Achieve state goals of an integrated intermodal
 503 transportation system; and

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504 4. Demonstrate the feasibility and availability of
 505 matching funds through federal, local, or private partners.

506 (b) Strategic airport investment projects may be funded at
 507 up to 100 percent of the project's cost.

508 Section 9. Subsection (16) of section 334.044, Florida
 509 Statutes, is amended to read:

510 334.044 Department; powers and duties.—The department
 511 shall have the following general powers and duties:

512 (16) To plan, acquire, lease, construct, maintain, and
 513 operate toll facilities; to authorize the issuance and refunding
 514 of bonds; and to fix and collect tolls or other charges for
 515 travel on any such facilities. Effective July 1, 2013, and
 516 notwithstanding any other law to the contrary, the department
 517 may not enter into any lease-purchase agreement with any
 518 expressway authority, regional transportation authority, or
 519 other entity. This provision does not invalidate any lease-
 520 purchase agreement authorized under chapter 348 or chapter 2000-
 521 411, Laws of Florida, and existing as of July 1, 2013, and does
 522 not limit the department's authority under s. 334.30.

523 Section 10. Section 335.055, Florida Statutes, is amended
 524 to read:

525 335.055 Routine maintenance contracts.—

526 (1) The Department of Transportation may enter into
 527 contracts with counties, ~~and~~ municipalities, and community
 528 development districts to perform routine maintenance work on the
 529 State Highway System within the appropriate boundaries.

530 (2) Each county, ~~or~~ municipality, or community development
 531 district that ~~which~~ completes the work described in subsection

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532 (1) shall be relieved from any tort liability arising after
 533 completion of such work if the completed project conforms to the
 534 standards of the contract as agreed to by the department.

535 (3) Each county, ~~or~~ municipality, or community development
 536 district shall be entitled to receive payment or reimbursement
 537 from the department, in accordance with the contract, if the
 538 work is completed to the standards of the contract as agreed to
 539 by the department.

540 (4) Nothing contained in this section shall impair,
 541 suspend, contract, enlarge, extend, or affect in any manner the
 542 powers and duties of the department.

543 Section 11. Section 335.06, Florida Statutes, is amended
 544 to read:

545 335.06 Access roads to the state park system.—Any road
 546 which provides access to property within the state park system
 547 shall be maintained by the department if the road is a part of
 548 the State Highway System and may be improved and maintained by
 549 the department if the road is part of a county road system or
 550 city street system. If the department does not maintain a county
 551 or city road that provides access to the state park system, the
 552 road ~~or~~ shall be maintained by the appropriate county or
 553 municipality ~~if the road is a part of the county road system or~~
 554 ~~the city street system.~~

555 Section 12. Subsection (1) of section 337.14, Florida
 556 Statutes, is amended to read:

557 337.14 Application for qualification; certificate of
 558 qualification; restrictions; request for hearing.—

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559 (1) Any person desiring to bid for the performance of any
 560 construction contract with a proposed budget estimate in excess
 561 of \$250,000 which the department proposes to let must first be
 562 certified by the department as qualified pursuant to this
 563 section and rules of the department. The rules of the department
 564 shall address the qualification of persons to bid on
 565 construction contracts with proposed budget estimates in excess
 566 of \$250,000 and shall include requirements with respect to the
 567 equipment, past record, experience, financial resources, and
 568 organizational personnel of the applicant necessary to perform
 569 the specific class of work for which the person seeks
 570 certification. The department may limit the dollar amount of any
 571 contract upon which a person is qualified to bid or the
 572 aggregate total dollar volume of contracts such person is
 573 allowed to have under contract at any one time. Each applicant
 574 seeking qualification to bid on construction contracts with
 575 proposed budget estimates in excess of \$250,000 shall furnish
 576 the department a statement under oath, on such forms as the
 577 department may prescribe, setting forth detailed information as
 578 required on the application. Each application for certification
 579 shall be accompanied by the latest annual financial statement of
 580 the applicant completed within the last 12 months. If the
 581 application or the annual financial statement shows the
 582 financial condition of the applicant more than 4 months before
 583 ~~prior to~~ the date on which the application is received by the
 584 department, then an interim financial statement must be
 585 submitted and be accompanied by an updated application. The
 586 interim financial statement must cover the period from the end

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587 | date of the annual statement and must show the financial
 588 | condition of the applicant no more than 4 months before ~~prior to~~
 589 | the date the interim financial statement is received by the
 590 | department. However, upon request by the applicant, an
 591 | application and accompanying annual or interim financial
 592 | statement received by the department within 15 days after either
 593 | 4-month period under this subsection shall be considered timely.
 594 | Each required annual or interim financial statement must be
 595 | audited and accompanied by the opinion of a certified public
 596 | accountant. An applicant desiring to bid exclusively for the
 597 | performance of construction contracts with proposed budget
 598 | estimates of less than \$1 million may submit reviewed annual or
 599 | reviewed interim financial statements prepared by a certified
 600 | public accountant. The information required by this subsection
 601 | is confidential and exempt from the provisions of s. 119.07(1).
 602 | The department shall act upon the application for qualification
 603 | within 30 days after the department determines that the
 604 | application is complete. The department may waive the
 605 | requirements of this subsection for projects having a contract
 606 | price of \$500,000 or less if the department determines that the
 607 | project is of a noncritical nature and the waiver will not
 608 | endanger public health, safety, or property.

609 | Section 13. Section 337.25, Florida Statutes, is amended
 610 | to read:

611 | 337.25 Acquisition, lease, and disposal of real and
 612 | personal property.—

613 | (1) (a) The department may purchase, lease, exchange, or
 614 | otherwise acquire any land, property interests, or buildings or

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615 other improvements, including personal property within such
 616 buildings or on such lands, necessary to secure or utilize
 617 transportation rights-of-way for existing, proposed, or
 618 anticipated transportation facilities on the State Highway
 619 System, on the State Park Road System, in a rail corridor, or in
 620 a transportation corridor designated by the department. Such
 621 property shall be held in the name of the state.

622 (b) The department may accept donations of any land or
 623 buildings or other improvements, including personal property
 624 within such buildings or on such lands with or without such
 625 conditions, reservations, or reverter provisions as are
 626 acceptable to the department. Such donations may be used as
 627 transportation rights-of-way or to secure or utilize
 628 transportation rights-of-way for existing, proposed, or
 629 anticipated transportation facilities on the State Highway
 630 System, on the State Park Road System, or in a transportation
 631 corridor designated by the department.

632 (c) When lands, buildings, or other improvements are
 633 needed for transportation purposes, but are held by a federal,
 634 state, or local governmental entity and utilized for public
 635 purposes other than transportation, the department may
 636 compensate the entity for such properties by providing
 637 functionally equivalent replacement facilities. The providing of
 638 replacement facilities under this subsection may only be
 639 undertaken with the agreement of the governmental entity
 640 affected.

641 (d) The department may contract pursuant to s. 287.055 for
 642 auction services used in the conveyance of real or personal

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643 | property or the conveyance of leasehold interests under the
 644 | provisions of subsections (4) and (5). The contract may allow
 645 | for the contractor to retain a portion of the proceeds as
 646 | compensation for its services.

647 | (2) A complete inventory shall be made of all real or
 648 | personal property immediately upon possession or acquisition.
 649 | Such inventory shall include a statement of the location or site
 650 | of each piece of realty, structure, or severable item ~~an~~
 651 | ~~itemized listing of all appliances, fixtures, and other~~
 652 | ~~severable items; a statement of the location or site of each~~
 653 | ~~piece of realty, structure, or severable item; and the serial~~
 654 | ~~number assigned to each.~~ Copies of each inventory shall be filed
 655 | in the district office in which the property is located. Such
 656 | inventory shall be carried forward to show the final disposition
 657 | of each item of property, both real and personal.

658 | (3) The inventory of real property which was acquired by
 659 | the state after December 31, 1988, which has been owned by the
 660 | state for 10 or more years, and which is not within a
 661 | transportation corridor or within the right-of-way of a
 662 | transportation facility shall be evaluated to determine the
 663 | necessity for retaining the property. If the property is not
 664 | needed for the construction, operation, and maintenance of a
 665 | transportation facility, or is not located within a
 666 | transportation corridor, the department may dispose of the
 667 | property pursuant to subsection (4).

668 | (4) The department may convey ~~sell~~, in the name of the
 669 | state, any land, building, or other property, real or personal,
 670 | which was acquired under the provisions of subsection (1) and

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671 | which the department has determined is not needed for the
 672 | construction, operation, and maintenance of a transportation
 673 | facility. ~~With the exception of any parcel governed by paragraph~~
 674 | ~~(c), paragraph (d), paragraph (f), paragraph (g), or paragraph~~
 675 | ~~(i), the department shall afford first right of refusal to the~~
 676 | ~~local government in the jurisdiction of which the parcel is~~
 677 | ~~situated.~~ When such a determination has been made, property may
 678 | be disposed of through negotiation, sealed competitive bid,
 679 | auction, or any other means the department deems to be in its
 680 | best interest. A sale may not occur at a price less than the
 681 | department's current estimate of value except as provided in
 682 | paragraphs (a)-(d). The department may afford the right of first
 683 | refusal to the local government or other political subdivision
 684 | in the jurisdiction in which the parcel is situated, except in
 685 | conveyances transacted under paragraphs (a), (c), or (e). ~~in the~~
 686 | ~~following manner:~~

687 | (a) If a the value of the property has been donated to the
 688 | state for transportation purposes, the facility has not been
 689 | constructed for a period of at least 5 years, no plans have been
 690 | prepared for the construction of such facility, and the property
 691 | is not located in a transportation corridor, the governmental
 692 | entity may authorize reconveyance of the donated property for no
 693 | consideration to the original donor or the donor's heirs,
 694 | successors, assigns, or representatives ~~is \$10,000 or less as~~
 695 | ~~determined by department estimate, the department may negotiate~~
 696 | ~~the sale.~~

697 | (b) If the ~~value of the property~~ is to be used for a
 698 | public purpose, the property may be conveyed to a governmental

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699 | ~~entity without consideration exceeds \$10,000 as determined by~~
 700 | ~~department estimate, such property may be sold to the highest~~
 701 | ~~bidder through receipt of sealed competitive bids, after due~~
 702 | ~~advertisement, or by public auction held at the site of the~~
 703 | ~~improvement which is being sold.~~

704 | (c) If the property was originally acquired specifically
 705 | to provide replacement housing for persons displaced by
 706 | transportation projects, the department may negotiate for the
 707 | sale of such property as replacement housing. As compensation,
 708 | the state shall receive no less than its investment in such
 709 | properties or the department's current estimate of value,
 710 | whichever is lower. It is expressly intended that this benefit
 711 | be extended only to those persons actually displaced by such
 712 | project. Disposition to any other person must be for no less
 713 | than the department's current estimate of value, ~~in the~~
 714 | ~~discretion of the department, public sale would be inequitable,~~
 715 | ~~properties may be sold by negotiation to the owner holding title~~
 716 | ~~to the property abutting the property to be sold, provided such~~
 717 | ~~sale is at a negotiated price not less than fair market value as~~
 718 | ~~determined by an independent appraisal, the cost of which shall~~
 719 | ~~be paid by the owner of the abutting land. If negotiations do~~
 720 | ~~not result in the sale of the property to the owner of the~~
 721 | ~~abutting land and the property is sold to someone else, the cost~~
 722 | ~~of the independent appraisal shall be borne by the purchaser,~~
 723 | ~~and the owner of the abutting land shall have the cost of the~~
 724 | ~~appraisal refunded to him or her. If, however, no purchase takes~~
 725 | ~~place, the owner of the abutting land shall forfeit the sum paid~~
 726 | ~~by him or her for the independent appraisal. If, due to action~~

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727 ~~of the department, the property is removed from eligibility for~~
 728 ~~sale, the cost of any appraisal prepared shall be refunded to~~
 729 ~~the owner of the abutting land.~~

730 (d) If the department determines that the property will
 731 require significant costs to be incurred or that continued
 732 ownership of the property exposes the department to significant
 733 liability risks, the department may use the projected
 734 maintenance costs over the next 10 years to offset the
 735 property's value in establishing a value for disposal of the
 736 property, even if that value is zero ~~property acquired for use~~
 737 ~~as a borrow pit is no longer needed, the department may sell~~
 738 ~~such property to the owner of the parcel of abutting land from~~
 739 ~~which the borrow pit was originally acquired, provided the sale~~
 740 ~~is at a negotiated price not less than fair market value as~~
 741 ~~determined by an independent appraisal, the cost of which shall~~
 742 ~~be paid by the owner of such abutting land.~~

743 (e) If, in the discretion of the department, a sale to
 744 anyone other than an abutting property owner would be
 745 inequitable, the property may be sold to the abutting owner for
 746 the department's current estimate of value ~~the department begins~~
 747 ~~the process for disposing of the property on its own initiative,~~
 748 ~~either by negotiation under the provisions of paragraph (a),~~
 749 ~~paragraph (c), paragraph (d), or paragraph (i), or by receipt of~~
 750 ~~sealed competitive bids or public auction under the provisions~~
 751 ~~of paragraph (b) or paragraph (i), a department staff appraiser~~
 752 ~~may determine the fair market value of the property by an~~
 753 ~~appraisal.~~

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754 ~~(f) Any property which was acquired by a county or by the~~
 755 ~~department using constitutional gas tax funds for the purpose of~~
 756 ~~a right-of-way or borrow pit for a road on the State Highway~~
 757 ~~System, State Park Road System, or county road system and which~~
 758 ~~is no longer used or needed by the department may be conveyed~~
 759 ~~without consideration to that county. The county may then sell~~
 760 ~~such surplus property upon receipt of competitive bids in the~~
 761 ~~same manner prescribed in this section.~~

762 ~~(g) If a property has been donated to the state for~~
 763 ~~transportation purposes and the facility has not been~~
 764 ~~constructed for a period of at least 5 years and no plans have~~
 765 ~~been prepared for the construction of such facility and the~~
 766 ~~property is not located in a transportation corridor, the~~
 767 ~~governmental entity may authorize reconveyance of the donated~~
 768 ~~property for no consideration to the original donor or the~~
 769 ~~donor's heirs, successors, assigns, or representatives.~~

770 ~~(h) If property is to be used for a public purpose, the~~
 771 ~~property may be conveyed without consideration to a governmental~~
 772 ~~entity.~~

773 ~~(i) If property was originally acquired specifically to~~
 774 ~~provide replacement housing for persons displaced by~~
 775 ~~transportation projects, the department may negotiate for the~~
 776 ~~sale of such property as replacement housing. As compensation,~~
 777 ~~the state shall receive no less than its investment in such~~
 778 ~~properties or fair market value, whichever is lower. It is~~
 779 ~~expressly intended that this benefit be extended only to those~~
 780 ~~persons actually displaced by such project. Dispositions to any~~
 781 ~~other persons must be for fair market value.~~

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782 ~~(j) If the department determines that the property will~~
 783 ~~require significant costs to be incurred or that continued~~
 784 ~~ownership of the property exposes the department to significant~~
 785 ~~liability risks, the department may use the projected~~
 786 ~~maintenance costs over the next 5 years to offset the market~~
 787 ~~value in establishing a value for disposal of the property, even~~
 788 ~~if that value is zero.~~

789 (5) The department may convey a leasehold interest for
 790 commercial or other purposes, in the name of the state, to any
 791 land, building, or other property, real or personal, which was
 792 acquired under the provisions of subsection (1). A lease may not
 793 occur at a price less than the department's current estimate of
 794 value.

795 (a) All leases shall be entered into by negotiation,
 796 sealed competitive bid, auction, or any other means the
 797 department deems to be in its best interest. ~~The department may~~
 798 ~~negotiate such a lease at the prevailing market value with the~~
 799 ~~owner from whom the property was acquired; with the holders of~~
 800 ~~leasehold estates existing at the time of the department's~~
 801 ~~acquisition; or, if public bidding would be inequitable, with~~
 802 ~~the owner holding title to privately owned abutting property, if~~
 803 ~~reasonable notice is provided to all other owners of abutting~~
 804 ~~property.~~ The department may allow an outdoor advertising sign
 805 to remain on the property acquired, or be relocated on
 806 department property, and such sign shall not be considered a
 807 nonconforming sign pursuant to chapter 479.

808 (b) If, in the discretion of the department, a lease to
 809 anyone other than an abutting property owner or a tenant with a

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810 | leasehold interest in the abutting property would be
 811 | inequitable, the property may be leased to the abutting owner or
 812 | tenant for no less than the department's current estimate of
 813 | value ~~All other leases shall be by competitive bid.~~

814 | (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~or~~
 815 | ~~paragraph (b) shall~~ be for a period of more than 5 years;
 816 | however, the department may renegotiate or extend such a lease
 817 | for an additional term of 5 years as the department deems
 818 | appropriate ~~without rebidding.~~

819 | (d) Each lease shall provide that unless otherwise
 820 | directed by the lessor, any improvements made to the property
 821 | during the term of the lease shall be removed at the lessee's
 822 | expense.

823 | (e) If property is to be used for a public purpose,
 824 | ~~including a fair, art show, or other educational, cultural, or~~
 825 | ~~fundraising activity,~~ the property may be leased without
 826 | consideration to a governmental entity ~~or school board.~~ Any
 827 | public-purpose lease is exempt from the term limits provided in
 828 | paragraph (c).

829 | (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
 830 | entered into pursuant to s. 260.0161(3), except as provided in
 831 | such a lease.

832 | (g) No lease executed under this subsection may be
 833 | utilized by the lessee to establish the ~~4 years'~~ standing
 834 | required by s. 73.071(3)(b) if the business had not been
 835 | established for the specified number of 4 years on the date
 836 | title passed to the department.

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837 (h) The department may enter into a long-term lease
 838 without compensation with a public port listed in s.
 839 403.021(9)(b) for rail corridors used for the operation of a
 840 short-line railroad to the port.

841 (6) Nothing in this chapter prevents the joint use of
 842 right-of-way for alternative modes of transportation; provided
 843 that the joint use does not impair the integrity and safety of
 844 the transportation facility.

845 (7) The department's estimate of value, as required in
 846 subsections (4) and (5), shall be prepared in accordance with
 847 department procedures, guidelines, and rules for valuation of
 848 real property. If the value of the property exceeds \$50,000 as
 849 determined by department estimate, the sale will be at a
 850 negotiated price not less than fair market value as determined
 851 by an independent appraisal prepared in accordance with
 852 department procedures, guidelines, and rules for valuation of
 853 real property, the cost of which shall be paid by the party
 854 seeking the purchase of the property ~~appraisal required by~~
 855 ~~paragraphs (4)(c) and (d) shall be prepared in accordance with~~
 856 ~~department guidelines and rules by an independent appraiser who~~
 857 ~~has been certified by the department. If federal funds were used~~
 858 ~~in the acquisition of the property, the appraisal shall also be~~
 859 ~~subject to the approval of the Federal Highway Administration.~~

860 ~~(8) A "due advertisement" under this section is an~~
 861 ~~advertisement in a newspaper of general circulation in the area~~
 862 ~~of the improvements of not less than 14 calendar days prior to~~
 863 ~~the date of the receipt of bids or the date on which a public~~
 864 ~~auction is to be held.~~

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865 ~~(8)-(9)~~ The department, with the approval of the Chief
 866 Financial Officer, is authorized to disburse state funds for
 867 real estate closings in a manner consistent with good business
 868 practices and in a manner minimizing costs and risks to the
 869 state.

870 ~~(9)-(10)~~ The department is authorized to purchase title
 871 insurance in those instances where it is determined that such
 872 insurance is necessary to protect the public's investment in
 873 property being acquired for transportation purposes. The
 874 department shall adopt procedures to be followed in making the
 875 determination to purchase title insurance for a particular
 876 parcel or group of parcels which, at a minimum, shall set forth
 877 criteria which the parcels shall ~~must~~ meet.

878 (10) This section does not modify the requirements of s.
 879 73.013.

880 Section 14. Subsection (2) of section 337.251, Florida
 881 Statutes, is amended to read:

882 337.251 Lease of property for joint public-private
 883 development and areas above or below department property.-

884 (2) The department may request proposals for the lease of
 885 such property or, if the department receives a proposal for ~~to~~
 886 negotiate a lease of particular department property that the
 887 department desires to consider, it shall publish a notice in a
 888 newspaper of general circulation at least once a week for 2
 889 weeks, stating that it has received the proposal and will
 890 accept, for 120 ~~60~~ days after the date of publication, other
 891 proposals for lease of the particular property ~~use of the space~~.
 892 A copy of the notice must be mailed to each local government in

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893 | the affected area. The department shall adopt rules establishing
 894 | an application fee for the submission of proposals under this
 895 | section. The fee must be sufficient to pay the anticipated costs
 896 | of evaluating the proposals. The department may engage the
 897 | services of private consultants to assist in the evaluation.
 898 | Before approval, the department must determine that the proposed
 899 | lease:

- 900 | (a) Is in the public's best interest;
- 901 | (b) Would not require state funds to be used; and
- 902 | (c) Would have adequate safeguards in place to ensure that
 903 | no additional costs or service disruptions would be realized by
 904 | the traveling public and residents of the state in the event of
 905 | default by the private lessee or upon termination or expiration
 906 | of the lease.

907 | Section 15. Subsection (8) of section 337.408, Florida
 908 | Statutes, is renumbered as subsection (9) and a new subsection
 909 | (8) is added to that section to read:

910 | 337.408 Regulation of bus stops, benches, transit
 911 | shelters, street light poles, parking meters, parking spaces,
 912 | waste disposal receptacles, and modular news racks within
 913 | rights-of-way.—

914 | (8) Parking meters or such other parking time limit
 915 | devices that regulate designated parking spaces may be installed
 916 | within the right-of-way limits of a state road when permitted by
 917 | the department. Counties and municipalities shall promptly remit
 918 | to the department 50 percent of the revenue generated from any
 919 | fees collected by meter or such other parking time limit device
 920 | installed or already existing within the right-of-way limits of

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921 a state road under the department's jurisdiction. Funds received
 922 by the department shall be deposited into the State
 923 Transportation Trust Fund and used in accordance with s. 339.08.

924 Section 16. Subsection (5) of section 338.161, Florida
 925 Statutes, is amended to read:

926 338.161 Authority of department or toll agencies to
 927 advertise and promote electronic toll collection; expanded uses
 928 of electronic toll collection system; authority of department to
 929 collect tolls, fares, and fees for private and public entities.—

930 (5) If the department finds that it can increase nontoll
 931 revenues or add convenience or other value for its customers,
 932 and if a public or private transportation facility owner agrees
 933 that its facility will become interoperable with the
 934 department's electronic toll collection and video billing
 935 systems, the department is authorized to enter into an agreement
 936 with the owner of such facility under which the department uses
 937 ~~private or public entities for the department's use of its~~
 938 ~~electronic toll collection and video billing systems to collect~~
 939 ~~and enforce for the owner tolls, fares, administrative fees, and~~
 940 ~~other applicable charges due imposed in connection with use of~~
 941 ~~the owner's facility transportation facilities of the private or~~
 942 ~~public entities that become interoperable with the department's~~
 943 ~~electronic toll collection system.~~ The department may modify its
 944 rules regarding toll collection procedures and the imposition of
 945 administrative charges to be applicable to toll facilities that
 946 are not part of the turnpike system or otherwise owned by the
 947 department. This subsection may not be construed to limit the

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948 authority of the department under any other provision of law or
 949 under any agreement entered into before ~~prior to~~ July 1, 2012.

950 Section 17. Subsection (4) of section 338.165, Florida
 951 Statutes, is amended to read:

952 338.165 Continuation of tolls.—

953 (4) Notwithstanding any other law to the contrary,
 954 pursuant to s. 11, Art. VII of the State Constitution, and
 955 subject to the requirements of subsection (2), the Department of
 956 Transportation may request the Division of Bond Finance to issue
 957 bonds secured by toll revenues collected on the Alligator Alley,
 958 the Sunshine Skyway Bridge, ~~the Beeline East Expressway, the~~
 959 ~~Navarre Bridge,~~ and the Pinellas Bayway to fund transportation
 960 projects located within the county or counties in which the
 961 project is located and contained in the adopted work program of
 962 the department.

963 Section 18. Subsections (3) and (4) of section 338.26,
 964 Florida Statutes, are amended to read:

965 338.26 Alligator Alley toll road.—

966 (3) Fees generated from tolls shall be deposited in the
 967 State Transportation Trust Fund, and any amount of funds
 968 generated annually in excess of that required to reimburse
 969 outstanding contractual obligations, to operate and maintain the
 970 highway and toll facilities, including reconstruction and
 971 restoration, to pay for those projects that are funded with
 972 Alligator Alley toll revenues and that are contained in the
 973 1993-1994 adopted work program or the 1994-1995 tentative work
 974 program submitted to the Legislature on February 22, 1994, and
 975 to design and construct ~~develop and operate~~ a fire station at

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976 | mile marker 63 on Alligator Alley, which may be used by Collier
 977 | County or other appropriate local governmental entity to provide
 978 | fire, rescue, and emergency management services ~~to the adjacent~~
 979 | ~~counties~~ along Alligator Alley, may be transferred to the
 980 | Everglades Fund of the South Florida Water Management District
 981 | in accordance with the memorandum of understanding of June 30,
 982 | 1997, between the district and the department. The South Florida
 983 | Water Management District shall deposit funds for projects
 984 | undertaken pursuant to s. 373.4592 in the Everglades Trust Fund
 985 | pursuant to s. 373.45926(4)(a). Any funds remaining in the
 986 | Everglades Fund may be used for environmental projects to
 987 | restore the natural values of the Everglades, subject to
 988 | compliance with any applicable federal laws and regulations.
 989 | Projects must ~~shall~~ be limited to:
 990 | (a) Highway redesign to allow for improved sheet flow of
 991 | water across the southern Everglades.
 992 | (b) Water conveyance projects to enable more water
 993 | resources to reach Florida Bay to replenish marine estuary
 994 | functions.
 995 | (c) Engineering design plans for wastewater treatment
 996 | facilities as recommended in the Water Quality Protection
 997 | Program Document for the Florida Keys National Marine Sanctuary.
 998 | (d) Acquisition of lands to move STA 3/4 out of the Toe of
 999 | the Boot, provided such lands are located within 1 mile of the
 1000 | northern border of STA 3/4.
 1001 | (e) Other Everglades Construction Projects as described in
 1002 | the February 15, 1994, conceptual design document.

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1003 ~~(4) The district may issue revenue bonds or notes under s.~~
 1004 ~~373.584 and pledge the revenue from the transfers from the~~
 1005 ~~Alligator Alley toll revenues as security for such bonds or~~
 1006 ~~notes. The proceeds from such revenue bonds or notes shall be~~
 1007 ~~used for environmental projects; at least 50 percent of said~~
 1008 ~~proceeds must be used for projects that benefit Florida Bay, as~~
 1009 ~~described in this section subject to resolutions approving such~~
 1010 ~~activity by the Board of Trustees of the Internal Improvement~~
 1011 ~~Trust Fund and the governing board of the South Florida Water~~
 1012 ~~Management District and the remaining proceeds must be used for~~
 1013 ~~restoration activities in the Everglades Protection Area.~~

1014 Section 19. Paragraph (a) of subsection (2), paragraphs
 1015 (a) and (b) of subsection (3), and paragraph (a) of subsection
 1016 (4) of section 339.175, Florida Statutes, are amended to read:

339.175 Metropolitan planning organization.—

(2) DESIGNATION.—

1019 (a)1. An M.P.O. shall be designated for each urbanized
 1020 area of the state; however, this does not require that an
 1021 individual M.P.O. be designated for each such area. Such
 1022 designation shall be accomplished by agreement between the
 1023 Governor and units of general-purpose local government that
 1024 together represent ~~representing~~ at least 75 percent of the
 1025 ~~population of the urbanized area; however, the unit of general-~~
 1026 ~~purpose local government that represents the central city or~~
 1027 ~~cities within the M.P.O. jurisdiction, as named defined by the~~
 1028 ~~United States Bureau of the Census, must be a party to such~~
 1029 ~~agreement.~~

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1030 2. To the extent possible, only one M.P.O. shall be
 1031 designated for each urbanized area or group of contiguous
 1032 urbanized areas. More than one M.P.O. may be designated within
 1033 an existing urbanized area only if the Governor and the existing
 1034 M.P.O. determine that the size and complexity of the existing
 1035 urbanized area makes the designation of more than one M.P.O. for
 1036 the area appropriate.

1037
 1038 Each M.P.O. required under this section must be fully operative
 1039 no later than 6 months following its designation.

1040 (3) VOTING MEMBERSHIP.—

1041 (a) The voting membership of an M.P.O. shall consist of
 1042 not fewer than 5 or more than 19 apportioned members, the exact
 1043 number to be determined on an equitable geographic-population
 1044 ratio ~~basis by the Governor~~, based on an agreement among the
 1045 affected units of general-purpose local government and the
 1046 Governor as required by federal rules and regulations. The
 1047 voting membership of an M.P.O. redesignated after July 1, 2013,
 1048 as a result of the expansion of an M.P.O. to include a new
 1049 urbanized area or the consolidation of two or more M.P.O.'s
 1050 within a single urbanized area may consist of no more than 25
 1051 members. The Governor, in accordance with 23 U.S.C. s. 134, may
 1052 also provide for M.P.O. members who represent municipalities to
 1053 alternate with representatives from other municipalities within
 1054 the metropolitan planning area that do not have members on the
 1055 M.P.O. County commission members shall compose not less than
 1056 one-third of the M.P.O. membership, except for an M.P.O. with
 1057 more than 15 members located in a county with a 5-member county

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1058 | commission or an M.P.O. with 19 members located in a county with
 1059 | no more than 6 county commissioners, in which case county
 1060 | commission members may compose less than one-third percent of
 1061 | the M.P.O. membership, but all county commissioners must be
 1062 | members. All voting members shall be elected officials of
 1063 | general-purpose local governments, except that an M.P.O. may
 1064 | include, as part of its apportioned voting members, a member of
 1065 | a statutorily authorized planning board, an official of an
 1066 | agency that operates or administers a major mode of
 1067 | transportation, or an official of Space Florida. As used in this
 1068 | section, the term "elected officials of a general-purpose local
 1069 | government" shall exclude constitutional officers, including
 1070 | sheriffs, tax collectors, supervisors of elections, property
 1071 | appraisers, clerks of the court, and similar types of officials.
 1072 | County commissioners shall compose not less than 20 percent of
 1073 | the M.P.O. membership if an official of an agency that operates
 1074 | or administers a major mode of transportation has been appointed
 1075 | to an M.P.O.

1076 | (b) In metropolitan areas in which authorities or other
 1077 | agencies have been or may be created by law to perform
 1078 | transportation functions and are performing transportation
 1079 | functions that are not under the jurisdiction of a general-
 1080 | purpose local government represented on the M.P.O., they may
 1081 | ~~shall~~ be provided voting membership on the M.P.O. In all other
 1082 | M.P.O.'s where transportation authorities or agencies are to be
 1083 | represented by elected officials from general-purpose local
 1084 | governments, the M.P.O. shall establish a process by which the

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1085 collective interests of such authorities or other agencies are
 1086 expressed and conveyed.
 1087 (4) APPORTIONMENT.—
 1088 (a) ~~The Governor shall, with the agreement of the affected~~
 1089 ~~units of general-purpose local government as required by federal~~
 1090 ~~rules and regulations, apportion the membership on the~~
 1091 ~~applicable M.P.O. among the various governmental entities within~~
 1092 ~~the area.~~ At the request of a majority of the affected units of
 1093 general-purpose local government comprising an M.P.O., the
 1094 Governor and a majority of units of general-purpose local
 1095 government serving on an M.P.O. shall apportion the voting
 1096 membership on the applicable M.P.O. among the various
 1097 governmental entities within the metropolitan planning area and
 1098 cooperatively agree upon and prescribe who may serve as an
 1099 alternate member and a method for appointing alternate members
 1100 who may vote at any M.P.O. meeting that an alternate member
 1101 attends in place of a regular member. The method shall be set
 1102 forth as a part of the interlocal agreement describing the
 1103 M.P.O.'s membership or in the M.P.O.'s operating procedures and
 1104 bylaws. The governmental entity so designated shall appoint the
 1105 appropriate number of members to the M.P.O. from eligible
 1106 officials. Representatives of the department shall serve as
 1107 nonvoting advisers to the M.P.O. governing board. Additional
 1108 nonvoting advisers may be appointed by the M.P.O. as deemed
 1109 necessary; however, to the maximum extent feasible, each M.P.O.
 1110 shall seek to appoint nonvoting representatives of various
 1111 multimodal forms of transportation not otherwise represented by
 1112 voting members of the M.P.O. An M.P.O. shall appoint nonvoting

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1113 advisers representing major military installations located
 1114 within the jurisdictional boundaries of the M.P.O. upon the
 1115 request of the aforesaid major military installations and
 1116 subject to the agreement of the M.P.O. All nonvoting advisers
 1117 may attend and participate fully in governing board meetings but
 1118 may not vote or be members of the governing board. The Governor
 1119 shall review the composition of the M.P.O. membership in
 1120 conjunction with the decennial census as prepared by the United
 1121 States Department of Commerce, Bureau of the Census, and
 1122 reapportion it as necessary to comply with subsection (3).

1123 Section 20. Sections 339.401, 339.402, 339.403, 339.404,
 1124 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411,
 1125 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419,
 1126 339.420, and 339.421, Florida Statutes, are repealed.

1127 Section 21. Subsection (2) and paragraph (i) of subsection
 1128 (7) of section 339.55, Florida Statutes, are amended to read:

1129 339.55 State-funded infrastructure bank.—

1130 (2) The bank may lend capital costs or provide credit
 1131 enhancements for:

1132 (a) A transportation facility project that is on the State
 1133 Highway System or that provides for increased mobility on the
 1134 state's transportation system or provides intermodal
 1135 connectivity with airports, seaports, spaceports, rail
 1136 facilities, and other transportation terminals, pursuant to s.
 1137 341.053, for the movement of people and goods.

1138 (b) Projects of the Transportation Regional Incentive
 1139 Program which are identified pursuant to s. 339.2819(4).

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1140 (c)1. Emergency loans for damages incurred to public-use
 1141 commercial deepwater seaports, public-use airports, public-use
 1142 spaceports, and other public-use transit and intermodal
 1143 facilities that are within an area that is part of an official
 1144 state declaration of emergency pursuant to chapter 252 and all
 1145 other applicable laws. Such loans:

1146 a. May not exceed 24 months in duration except in extreme
 1147 circumstances, for which the Secretary of Transportation may
 1148 grant up to 36 months upon making written findings specifying
 1149 the conditions requiring a 36-month term.

1150 b. Require application from the recipient to the
 1151 department that includes documentation of damage claims filed
 1152 with the Federal Emergency Management Agency or an applicable
 1153 insurance carrier and documentation of the recipient's overall
 1154 financial condition.

1155 c. Are subject to approval by the Secretary of
 1156 Transportation and the Legislative Budget Commission.

1157 2. Loans provided under this paragraph must be repaid upon
 1158 receipt by the recipient of eligible program funding for damages
 1159 in accordance with the claims filed with the Federal Emergency
 1160 Management Agency or an applicable insurance carrier, but no
 1161 later than the duration of the loan.

1162 (7) The department may consider, but is not limited to,
 1163 the following criteria for evaluation of projects for assistance
 1164 from the bank:

1165 (i) The extent to which the project will provide for
 1166 connectivity between the State Highway System and airports,
 1167 seaports, spaceports, rail facilities, and other transportation

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1168 terminals and intermodal options pursuant to s. 341.053 for the
 1169 increased accessibility and movement of people and goods.

1170 Section 22. Subsection (11) of section 341.031, Florida
 1171 Statutes, is amended to read:

1172 341.031 Definitions relating to Florida Public Transit
 1173 Act.—As used in ss. 341.011-341.061, the term:

1174 (11) "Intercity bus service" means regularly scheduled bus
 1175 service for the general public which operates with limited stops
 1176 over fixed routes connecting two or more urban areas not in
 1177 close proximity; has the capacity for transporting baggage
 1178 carried by passengers; and makes meaningful connections with
 1179 scheduled intercity bus service to more distant points, if such
 1180 service is available; ~~maintains scheduled information in the~~
 1181 ~~National Official Bus Guide; and provides package express~~
 1182 ~~service incidental to passenger transportation.~~

1183 Section 23. Section 341.053, Florida Statutes, is amended
 1184 to read:

1185 341.053 Intermodal Development Program; administration;
 1186 eligible projects; limitations.—

1187 (1) There is created within the Department of
 1188 Transportation an Intermodal Development Program to provide for
 1189 major capital investments in fixed-guideway transportation
 1190 systems, access to seaports, airports, spaceports, and other
 1191 transportation terminals, providing for the construction of
 1192 intermodal or multimodal terminals; and to plan or fund
 1193 construction of airport, spaceport, seaport, transit, and rail
 1194 projects that ~~otherwise~~ facilitate the intermodal or multimodal
 1195 movement of people and goods.

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1196 (2) The Intermodal Development Program shall be used for
 1197 projects that support statewide goals as outlined in the Florida
 1198 Transportation Plan, the Strategic Intermodal System Plan, the
 1199 Freight Mobility and Trade Plan, or the appropriate department
 1200 modal plan. ~~In recognition of the department's role in the~~
 1201 ~~economic development of this state, the department shall develop~~
 1202 ~~a proposed intermodal development plan to connect Florida's~~
 1203 ~~airports, deepwater seaports, rail systems serving both~~
 1204 ~~passenger and freight, and major intermodal connectors to the~~
 1205 ~~Strategic Intermodal System highway corridors as the primary~~
 1206 ~~system for the movement of people and freight in this state in~~
 1207 ~~order to make the intermodal development plan a fully integrated~~
 1208 ~~and interconnected system. The intermodal development plan must:~~
 1209 ~~(a) Define and assess the state's freight intermodal~~
 1210 ~~network, including airports, seaports, rail lines and terminals,~~
 1211 ~~intercity bus lines and terminals, and connecting highways.~~
 1212 ~~(b) Prioritize statewide infrastructure investments,~~
 1213 ~~including the acceleration of current projects, which are found~~
 1214 ~~by the Freight Stakeholders Task Force to be priority projects~~
 1215 ~~for the efficient movement of people and freight.~~
 1216 ~~(c) Be developed in a manner that will assure maximum use~~
 1217 ~~of existing facilities and optimum integration and coordination~~
 1218 ~~of the various modes of transportation, including both~~
 1219 ~~government-owned and privately owned resources, in the most~~
 1220 ~~cost-effective manner possible.~~
 1221 (3) The Intermodal Development Program shall be
 1222 administered by the department.

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1223 (4) The department shall review funding requests from a
 1224 rail authority created pursuant to chapter 343. The department
 1225 may include projects of the authorities, including planning and
 1226 design, in the tentative work program.

1227 ~~(5) No single transportation authority operating a fixed-~~
 1228 ~~guideway transportation system, or single fixed-guideway~~
 1229 ~~transportation system not administered by a transportation~~
 1230 ~~authority, receiving funds under the Intermodal Development~~
 1231 ~~Program shall receive more than 33 1/3 percent of the total~~
 1232 ~~intermodal development funds appropriated between July 1, 1990,~~
 1233 ~~and June 30, 2015. In determining the distribution of funds~~
 1234 ~~under the Intermodal Development Program in any fiscal year, the~~
 1235 ~~department shall assume that future appropriation levels will be~~
 1236 ~~equal to the current appropriation level.~~

1237 (5)(6) The department is authorized to fund projects
 1238 within the Intermodal Development Program, which are consistent,
 1239 to the maximum extent feasible, with approved local government
 1240 comprehensive plans of the units of local government in which
 1241 the project is located. Projects that are eligible for funding
 1242 under this program include planning studies, major capital
 1243 investments in public rail, and fixed-guideway transportation or
 1244 freight facilities and systems that ~~which~~ provide intermodal
 1245 access; road, rail, intercity bus service, or fixed-guideway
 1246 access to, from, or between seaports, airports, spaceports,
 1247 intermodal logistics centers, and other transportation
 1248 terminals; construction of intermodal or multimodal terminals,
 1249 including projects on airports, spaceports, intermodal logistics
 1250 centers or seaports that assist in the movement or transfer of

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1251 people or goods; development and construction of dedicated bus
 1252 lanes; and projects that ~~which~~ otherwise facilitate the
 1253 intermodal or multimodal movement of people and goods.

1254 Section 24. Paragraph (d) is added to subsection (17) of
 1255 section 341.302, Florida Statutes, to read:

1256 341.302 Rail program; duties and responsibilities of the
 1257 department.—The department, in conjunction with other
 1258 governmental entities, including the rail enterprise and the
 1259 private sector, shall develop and implement a rail program of
 1260 statewide application designed to ensure the proper maintenance,
 1261 safety, revitalization, and expansion of the rail system to
 1262 assure its continued and increased availability to respond to
 1263 statewide mobility needs. Within the resources provided pursuant
 1264 to chapter 216, and as authorized under federal law, the
 1265 department shall:

1266 (17) In conjunction with the acquisition, ownership,
 1267 construction, operation, maintenance, and management of a rail
 1268 corridor, have the authority to:

1269 (d) Undertake any ancillary development that the
 1270 department determines to be appropriate as a source of revenue
 1271 for the establishment, construction, operation, or maintenance
 1272 of any rail corridor owned by the state. Such ancillary
 1273 development must be consistent, to the extent feasible, with
 1274 applicable local government comprehensive plans and local land
 1275 development regulations and otherwise be in compliance with ss.
 1276 341.302-341.303.

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1278 Neither the assumption by contract to protect, defend,
 1279 indemnify, and hold harmless; the purchase of insurance; nor the
 1280 establishment of a self-insurance retention fund shall be deemed
 1281 to be a waiver of any defense of sovereign immunity for torts
 1282 nor deemed to increase the limits of the department's or the
 1283 governmental entity's liability for torts as provided in s.
 1284 768.28. The requirements of s. 287.022(1) shall not apply to the
 1285 purchase of any insurance under this subsection. The provisions
 1286 of this subsection shall apply and inure fully as to any other
 1287 governmental entity providing commuter rail service and
 1288 constructing, operating, maintaining, or managing a rail
 1289 corridor on publicly owned right-of-way under contract by the
 1290 governmental entity with the department or a governmental entity
 1291 designated by the department. Notwithstanding any law to the
 1292 contrary, procurement for the construction, operation,
 1293 maintenance, and management of any rail corridor described in
 1294 this subsection, whether by the department, a governmental
 1295 entity under contract with the department, or a governmental
 1296 entity designated by the department, shall be pursuant to s.
 1297 287.057 and shall include, but not be limited to, criteria for
 1298 the consideration of qualifications, technical aspects of the
 1299 proposal, and price. Further, any such contract for design-build
 1300 shall be procured pursuant to the criteria in s. 337.11(7).

1301 Section 25. Section 373.4137, Florida Statutes, is amended
 1302 to read:

1303 373.4137 Mitigation requirements for specified
 1304 transportation projects.—

1305 (1) The Legislature finds that environmental mitigation

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1306 | for the impact of transportation projects proposed by the
 1307 | Department of Transportation or a transportation authority
 1308 | established pursuant to chapter 348 or chapter 349 can be more
 1309 | effectively achieved by regional, long-range mitigation planning
 1310 | rather than on a project-by-project basis. It is the intent of
 1311 | the Legislature that mitigation to offset the adverse effects of
 1312 | these transportation projects be funded by the Department of
 1313 | Transportation and be carried out by the use of mitigation banks
 1314 | and any other mitigation options that satisfy state and federal
 1315 | requirements in a manner that promotes efficiency, timeliness in
 1316 | project delivery, and cost-effectiveness .

1317 | (2) Environmental impact inventories for transportation
 1318 | projects proposed by the Department of Transportation or a
 1319 | transportation authority established pursuant to chapter 348 or
 1320 | chapter 349 shall be developed as follows:

1321 | (a) By July 1 of each year, the Department of
 1322 | Transportation, or a transportation authority established
 1323 | pursuant to chapter 348 or chapter 349 which chooses to
 1324 | participate in the program, shall submit to the water management
 1325 | districts a list of its projects in the adopted work program and
 1326 | an environmental impact inventory of habitat impacts and the
 1327 | anticipated amount of mitigation needed to offset impacts as
 1328 | described in paragraph (b). The environmental impact inventory
 1329 | shall be based on ~~habitats addressed in~~ the rules adopted
 1330 | pursuant to this part, ~~and~~ s. 404 of the Clean Water Act, 33
 1331 | U.S.C. s. 1344, and which may be impacted by the Department of
 1332 | Transportation ~~its~~ plan of construction for transportation
 1333 | projects in the next 3 years of the tentative work program. The

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1334 Department of Transportation or a transportation authority
 1335 established pursuant to chapter 348 or chapter 349 may also
 1336 include in its environmental impact inventory the habitat
 1337 impacts and anticipated amount of mitigation needed for ~~of~~ any
 1338 future transportation project. The Department of Transportation
 1339 and each transportation authority established pursuant to
 1340 chapter 348 or chapter 349 may fund any mitigation activities
 1341 for future projects using current year funds.

1342 (b) The environmental impact inventory shall include a
 1343 description of ~~these~~ habitat impacts, including ~~their~~ location,
 1344 acreage, and type; the proposed amount of mitigation needed
 1345 based on the functional loss as determined through the Uniform
 1346 Mitigation Assessment Method (UMAM) adopted in chapter 62-345,
 1347 Florida Administrative Code, which will identify the potential
 1348 number of mitigation credits needed for the impacted site, and
 1349 the identification of the proposed mitigation option, such as
 1350 permitted mitigation banks, mitigation implemented by the water
 1351 management district, or other approved options that satisfy
 1352 state and federal requirements; state water quality
 1353 classification of impacted wetlands and other surface waters;
 1354 any other state or regional designations for these habitats; and
 1355 a list of threatened species, endangered species, and species of
 1356 special concern affected by the proposed project.

1357 (3) (a) To mitigate ~~fund development and implementation of~~
 1358 ~~the mitigation plan for the~~ projected impacts identified in the
 1359 environmental impact inventory described in subsection (2), the
 1360 Department of Transportation may purchase credits for current
 1361 and future use directly from a mitigation bank as described in

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1362 subsection (4), mitigate through the water management districts,
 1363 mitigate through the Department of Environmental Protection for
 1364 mitigation on state lands, or conduct its own mitigation. In
 1365 evaluating its mitigation options, the Department of
 1366 Transportation shall consider efficiency, timeliness, and cost-
 1367 effectiveness. The proposed mitigation option shall be
 1368 identified in the inventory. Funding of ~~shall identify funds~~
 1369 ~~quarterly in an escrow account within the State Transportation~~
 1370 ~~Trust Fund for the environmental mitigation for Department of~~
 1371 Transportation phase of projects shall be included in budgeted
 1372 ~~by the Department of Transportation work program developed~~
 1373 pursuant to s. 339.135 for the current fiscal year. The escrow
 1374 ~~account shall be maintained by the Department of Transportation~~
 1375 ~~for the benefit of the water management districts. Any interest~~
 1376 ~~earnings from the escrow account shall remain with the~~
 1377 ~~Department of Transportation.~~

1378 (b) Each transportation authority established pursuant to
 1379 chapter 348 or chapter 349 that chooses to participate in this
 1380 program shall create an escrow account within its financial
 1381 structure and deposit funds in the account to pay for the
 1382 environmental mitigation phase of projects budgeted for the
 1383 current fiscal year. The escrow account shall be maintained by
 1384 the authority for the benefit of the water management districts.
 1385 Any interest earnings from the escrow account shall remain with
 1386 the authority.

1387 (c) The amount paid each year by the Department of
 1388 Transportation or participating transportation authorities
 1389 established pursuant to chapter 348 or chapter 349 for

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1390 mitigation implemented by the water management district or the
 1391 Department of Environmental Protection, as appropriate, shall be
 1392 as provided in paragraph (d). ~~Except for current mitigation~~
 1393 ~~projects in the monitoring and maintenance phase and except as~~
 1394 ~~allowed by paragraph (d),~~ The water management districts, or the
 1395 Department of Environmental Protection for approved mitigation
 1396 on its land, may request partial or lump-sum payment ~~a transfer~~
 1397 ~~of funds from an escrow account~~ no sooner than 30 days before
 1398 the date the funds are needed to pay for activities associated
 1399 with development or implementation of permitted mitigation
 1400 meeting the requirements pursuant to this part, 33 U.S.C. s.
 1401 1344, and 33 C.F.R. part 332, in the approved mitigation plan
 1402 described in subsection (4) for the current fiscal year.7
 1403 ~~including, but not limited to, design, engineering, production,~~
 1404 ~~and staff support. Actual conceptual plan preparation costs~~
 1405 ~~incurred before plan approval may be submitted to the Department~~
 1406 ~~of Transportation or the appropriate transportation authority~~
 1407 ~~each year with the plan. The conceptual plan preparation costs~~
 1408 ~~of each water management district will be paid from mitigation~~
 1409 ~~funds associated with the environmental impact inventory for the~~
 1410 ~~current year. The amount transferred to the escrow accounts each~~
 1411 ~~year by the Department of Transportation and participating~~
 1412 ~~transportation authorities established pursuant to chapter 348~~
 1413 ~~or chapter 349 shall correspond to a cost per acre of \$75,000~~
 1414 ~~multiplied by the projected acres of impact identified in the~~
 1415 ~~environmental impact inventory described in subsection (2).~~
 1416 ~~However, the \$75,000 cost per acre does not constitute an~~
 1417 ~~admission against interest by the state or its subdivisions and~~

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1418 | ~~is not admissible as evidence of full compensation for any~~
 1419 | ~~property acquired by eminent domain or through inverse~~
 1420 | ~~condemnation. Each July 1, the cost per acre shall be adjusted~~
 1421 | ~~by the percentage change in the average of the Consumer Price~~
 1422 | ~~Index issued by the United States Department of Labor for the~~
 1423 | ~~most recent 12-month period ending September 30, compared to the~~
 1424 | ~~base year average, which is the average for the 12-month period~~
 1425 | ~~ending September 30, 1996. Each quarter, the projected amount of~~
 1426 | ~~mitigation shown on the water management district mitigation~~
 1427 | ~~plan acreage of impact shall be reconciled with the actual~~
 1428 | ~~amount of mitigation needed for acreage of impact of projects as~~
 1429 | ~~permitted, including permit modifications, pursuant to this part~~
 1430 | ~~and s. 404 of the Clean Water Act, 33 U.S.C. s. 1344. The~~
 1431 | ~~subject year's transfer of funds shall be adjusted accordingly~~
 1432 | ~~to reflect the mitigation acreage of impacts as permitted. The~~
 1433 | ~~Department of Transportation and participating transportation~~
 1434 | ~~authorities established pursuant to chapter 348 or chapter 349~~
 1435 | ~~are authorized to transfer such funds from the escrow accounts~~
 1436 | ~~to the water management districts or, as appropriate, the~~
 1437 | ~~Department of Environmental Protection, to carry out the~~
 1438 | ~~mitigation for the subject year programs. Environmental~~
 1439 | ~~mitigation funds that are identified for mitigation implemented~~
 1440 | ~~by or maintained in an escrow account for the benefit of a water~~
 1441 | ~~management district or the Department of Environmental~~
 1442 | ~~Protection may be reassigned released if the associated~~
 1443 | ~~transportation project is excluded in whole or part from the~~
 1444 | ~~water management district mitigation plan, or if the mitigation~~
 1445 | ~~will no longer be implemented by the Department of Environmental~~

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1446 | Protection on state lands. ~~For a mitigation project that is in~~
 1447 | ~~the maintenance and monitoring phase, the water management~~
 1448 | ~~district may request and receive a one-time payment based on the~~
 1449 | ~~project's expected future maintenance and monitoring costs. Upon~~
 1450 | final disbursement of the final maintenance and monitoring
 1451 | payment for mitigation of a transportation project as permitted,
 1452 | the obligation of the Department of Transportation or the
 1453 | participating transportation authority is satisfied and the
 1454 | water management district or the Department of Environmental
 1455 | Protection, as appropriate, shall have continuing responsibility
 1456 | for the mitigation project, ~~the escrow account for the project~~
 1457 | ~~established by the Department of Transportation or the~~
 1458 | ~~participating transportation authority may be closed. Any~~
 1459 | ~~interest earned on these disbursed funds shall remain with the~~
 1460 | ~~water management district and must be used as authorized under~~
 1461 | ~~this section.~~

1462 | (d) Beginning with the environmental impact inventory to
 1463 | be submitted July 1, 2013, and the related approved mitigation
 1464 | plan, the ~~in the 2005-2006 fiscal year, each water management~~
 1465 | district or the Department of Environmental Protection, as
 1466 | appropriate, shall be paid for the cost of mitigation planning
 1467 | and implementing permit required mitigation based on the cost of
 1468 | a mitigation credit as established by this section ~~a lump-sum~~
 1469 | ~~amount of \$75,000 per acre, adjusted as provided under paragraph~~
 1470 | ~~(c), for federally funded transportation projects that are~~
 1471 | ~~included on the environmental impact inventory and that have an~~
 1472 | ~~approved mitigation plan. Beginning in the 2009-2010 fiscal~~
 1473 | ~~year, each water management district shall be paid a lump-sum~~

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1474 ~~amount of \$75,000 per acre, adjusted as provided under paragraph~~
 1475 ~~(c), for federally funded and nonfederally funded transportation~~
 1476 ~~projects that have an approved mitigation plan. The cost of a~~
 1477 ~~All mitigation credit for each mitigation project as established~~
 1478 ~~by the water management district or Department of Environmental~~
 1479 ~~Protection, as appropriate, may include, costs, including, but~~
 1480 ~~is not limited to, the costs of preparing conceptual plans and~~
 1481 ~~the costs of land acquisition, design, construction, staff~~
 1482 ~~support, future maintenance, and monitoring of the mitigation~~
 1483 ~~site, and other costs necessary to meet requirements pursuant to~~
 1484 ~~33 U.S.C. s. 1344, and 33 C.F.R. part 332. When the water~~
 1485 ~~management district includes the purchase of mitigation bank~~
 1486 ~~credits as part of the mitigation plan, the cost shall be based~~
 1487 ~~on the cost per credit as established by the mitigation bank~~
 1488 ~~mitigated acres shall be funded through these lump sum amounts.~~

1489 (e) For purposes of preparing and implementing the
 1490 mitigation plans to be adopted by the water management districts
 1491 before March 1, 2013, for transportation impacts based on the
 1492 July 1, 2012, environmental impact inventory, the funds
 1493 identified in the Department of Transportation's work program or
 1494 participating transportation authorities' escrow accounts shall
 1495 correspond to a cost per acre of \$75,000 multiplied by the
 1496 projected acres of impact as identified in the environmental
 1497 impact inventory. The cost per acre shall be adjusted by the
 1498 percentage change in the average of the Consumer Price Index
 1499 issued by the United States Department of Labor for the most
 1500 recent 12-month period ending September 30, compared to the base
 1501 year average, which is the average for the 12-month period

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1502 ending September 30, 1996. Payment as provided under this
 1503 paragraph is limited to mitigation activities that are
 1504 identified in the first year of the 2013 mitigation plan and for
 1505 which the transportation project is permitted and is in the
 1506 Department of Transportation's adopted work program, or
 1507 equivalent for a transportation authority. When implementing the
 1508 mitigation activities necessary to offset the permitted
 1509 transportation impacts as provided in the approved mitigation
 1510 plan, the water management district shall maintain records of
 1511 the costs incurred in implementing the mitigation. These costs
 1512 shall include, but not be limited to, conceptual planning, land
 1513 acquisition, design, construction, staff support, long-term
 1514 maintenance and monitoring of the mitigation site, and other
 1515 costs necessary to meet the requirements of 33 U.S.C. s. 1344
 1516 and 33 C.F.R. part 332. To the extent moneys paid to a water
 1517 management district by the Department of Transportation or a
 1518 participating transportation authority exceed the amount
 1519 expended by the water management districts in implementing the
 1520 mitigation to offset the permitted transportation impacts, these
 1521 funds shall be refunded to the Department of Transportation or
 1522 participating transportation authority. This paragraph expires
 1523 June 30, 2014.

1524 (4) Before March 1 of each year, each water management
 1525 district, in consultation with the Department of Environmental
 1526 Protection, the United States Army Corps of Engineers, the
 1527 Department of Transportation, participating transportation
 1528 authorities established pursuant to chapter 348 or chapter 349,
 1529 and other appropriate federal, state, and local governments, and

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1530 other interested parties, including entities operating
 1531 mitigation banks, shall develop a plan for the primary purpose
 1532 of complying with the mitigation requirements adopted pursuant
 1533 to this part, ~~and 33 U.S.C. s. 1344, and 33 C.F.R. part 332~~. In
 1534 developing such plans, the districts shall use sound ecosystem
 1535 management practices to address significant water resource needs
 1536 and consider ~~shall focus on~~ activities of the Department of
 1537 Environmental Protection and the water management districts,
 1538 such as surface water improvement and management (SWIM) projects
 1539 and lands identified for potential acquisition for preservation,
 1540 restoration, or enhancement, and the control of invasive and
 1541 exotic plants in wetlands and other surface waters, to the
 1542 extent that the activities comply with the mitigation
 1543 requirements adopted under this part, ~~and 33 U.S.C. s. 1344, and~~
 1544 33 C.F.R. part 332. For transportation projects in the
 1545 environmental impact inventory for which mitigation is not
 1546 specified, the mitigation plan shall identify the site where the
 1547 water management district will mitigate for the transportation
 1548 project, the scope of the mitigation activities at each
 1549 mitigation site, the functional gain at each mitigation site as
 1550 determined through the Uniform Mitigation Assessment Method per
 1551 chapter 62-345, Florid Administrative Code, describe how the
 1552 mitigation offsets the impacts of each transportation project as
 1553 permitted, a schedule for the mitigation activities, and the
 1554 cost per mitigation credit as established in (3) (d). The water
 1555 management districts shall maintain records of payments received
 1556 and costs incurred for implementing mitigation activities to
 1557 offset impacts of permitted transportation projects. To the

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1558 | extent moneys paid to a water management district by the
 1559 | Department of Transportation or a participating transportation
 1560 | authority exceed the amount expended by the water management
 1561 | districts in implementing the mitigation to offset the permitted
 1562 | transportation impacts, these funds shall be refunded to the
 1563 | Department of Transportation or participating transportation
 1564 | authority. ~~In determining the activities to be included in the~~
 1565 | ~~plans, the districts shall consider the purchase of credits from~~
 1566 | ~~public or private mitigation banks permitted under s. 373.4136~~
 1567 | ~~and associated federal authorization and shall include the~~
 1568 | ~~purchase as a part of the mitigation plan when the purchase~~
 1569 | ~~would offset the impact of the transportation project, provide~~
 1570 | ~~equal benefits to the water resources than other mitigation~~
 1571 | ~~options being considered, and provide the most cost-effective~~
 1572 | ~~mitigation option.~~ The mitigation plan shall be submitted to the
 1573 | water management district governing board, or its designee, for
 1574 | review and approval. At least 14 days before approval by the
 1575 | governing board, the water management district shall provide a
 1576 | copy of the draft mitigation plan to the Department of
 1577 | Environmental Protection and any person who has requested a
 1578 | copy. Subsequent to governing board approval the mitigation plan
 1579 | must be submitted to the Department of Environmental Protection
 1580 | for approval. The plan may not be implemented until it is
 1581 | submitted to and approved, in part or in its entirety, by the
 1582 | Department of Environmental Protection.

1583 | ~~(a) For each transportation project with a funding request~~
 1584 | ~~for the next fiscal year, the mitigation plan must include a~~
 1585 | ~~brief explanation of why a mitigation bank was or was not chosen~~

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1586 | ~~as a mitigation option, including an estimation of identifiable~~
 1587 | ~~costs of the mitigation bank and nonbank options and other~~
 1588 | ~~factors such as time saved, liability for success of the~~
 1589 | ~~mitigation, and long-term maintenance.~~

1590 | (a)~~(b)~~ Specific projects may be excluded from the
 1591 | mitigation plan, in whole or in part, and are not subject to
 1592 | this section upon the election of the Department of
 1593 | Transportation, a transportation authority if applicable, or the
 1594 | appropriate water management district. Neither the Department of
 1595 | Transportation nor a participating transportation authority
 1596 | shall exclude a transportation project from the mitigation plan
 1597 | when mitigation is scheduled for implementation by the water
 1598 | management district in the current fiscal year, except when the
 1599 | transportation project is removed from the Department of
 1600 | Transportation work program or transportation authority funding
 1601 | plan. If a project is removed, costs expended by the water
 1602 | management districts before removal are eligible for
 1603 | reimbursement by the Department of Transportation or
 1604 | participating transportation authority.

1605 | (b)~~(e)~~ When determining which projects to include in or
 1606 | exclude from the mitigation plan, the Department of
 1607 | Transportation shall investigate using credits from a permitted
 1608 | mitigation bank before those projects are submitted for
 1609 | inclusion in the plan. The investigation shall consider the
 1610 | cost cost-effectiveness of mitigation bank credits, including,
 1611 | but not limited to, factors such as timeliness ~~time saved~~,
 1612 | transfer of liability for success of the mitigation, ~~and~~ long-
 1613 | term maintenance, and meeting the requirements of 33 C.F.R. part

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1614 | 332. The Department of Transportation shall exclude a project
 1615 | from the mitigation plan when the investigation undertaken
 1616 | pursuant to this paragraph results in the conclusion that the
 1617 | use of credits from a permitted mitigation bank, promotes
 1618 | efficiency, timeliness in project delivery, and cost-
 1619 | effectiveness.

1620 | (5) The water management district shall ensure that
 1621 | mitigation requirements pursuant to 33 U.S.C. s. 1344 and 33
 1622 | C.F.R. part 332 are met for the impacts identified in the
 1623 | environmental impact inventory described in subsection (2), by
 1624 | implementation of the approved plan described in subsection (4)
 1625 | to the extent funding is provided by the Department of
 1626 | Transportation, or a transportation authority established
 1627 | pursuant to chapter 348 or chapter 349, if applicable. In
 1628 | developing and implementing the mitigation plan, the water
 1629 | management district shall comply with federal permitting
 1630 | requirements pursuant to 33 U.S.C. s. 1344 and 33 C.F.R. part
 1631 | 332. During the federal permitting process, the water management
 1632 | district may deviate from the approved mitigation plan in order
 1633 | to comply with federal permitting requirements upon notice and
 1634 | coordination with the Department of Transportation or
 1635 | participating transportation authority.

1636 | (6) The water management district mitigation plans shall
 1637 | be updated annually to reflect the most current Department of
 1638 | Transportation work program and project list of a transportation
 1639 | authority established pursuant to chapter 348 or chapter 349, if
 1640 | applicable, and may be amended throughout the year to anticipate
 1641 | schedule changes or additional projects which may arise. Before

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1642 amending the mitigation plan to include new projects,
 1643 consideration shall be given to mitigation banks and other
 1644 available mitigation options. Each update and amendment of the
 1645 mitigation plan shall be submitted to the governing board of the
 1646 water management district or its designee for approval. However,
 1647 such approval shall not be applicable to a deviation as
 1648 described in subsection (5).

1649 (7) Upon approval by the governing board of the water
 1650 management district and the Department of Environmental
 1651 Protection ~~or its designee~~, the mitigation plan shall be deemed
 1652 to satisfy the mitigation requirements under this part for
 1653 impacts specifically identified in the environmental impact
 1654 inventory described in subsection (2) and any other mitigation
 1655 requirements imposed by local, regional, and state agencies for
 1656 these same impacts. The approval of the governing board of the
 1657 water management district and the Department of Environmental
 1658 Protection ~~or its designee~~ shall authorize the activities
 1659 proposed in the mitigation plan, and no other state, regional,
 1660 or local permit or approval shall be necessary.

1661 (8) This section shall not be construed to eliminate the
 1662 need for the Department of Transportation or a transportation
 1663 authority established pursuant to chapter 348 or chapter 349 to
 1664 comply with the requirement to implement practicable design
 1665 modifications, including realignment of transportation projects,
 1666 to reduce or eliminate the impacts of its transportation
 1667 projects on wetlands and other surface waters as required by
 1668 rules adopted pursuant to this part, or to diminish the
 1669 authority under this part to regulate other impacts, including

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1670 water quantity or water quality impacts, or impacts regulated
 1671 under this part that are not identified in the environmental
 1672 impact inventory described in subsection (2).

1673 ~~(9) The process for environmental mitigation for the~~
 1674 ~~impact of transportation projects under this section shall be~~
 1675 ~~available to an expressway, bridge, or transportation authority~~
 1676 ~~established under chapter 348 or chapter 349. Use of this~~
 1677 ~~process may be initiated by an authority depositing the~~
 1678 ~~requisite funds into an escrow account set up by the authority~~
 1679 ~~and filing an environmental impact inventory with the~~
 1680 ~~appropriate water management district. An authority that~~
 1681 ~~initiates the environmental mitigation process established by~~
 1682 ~~this section shall comply with subsection (6) by timely~~
 1683 ~~providing the appropriate water management district with the~~
 1684 ~~requisite work program information. A water management district~~
 1685 ~~may draw down funds from the escrow account as provided in this~~
 1686 ~~section.~~

1687 Section 26. This act shall take effect July 1, 2013.